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DISTRICT OF UTAH

BY: _____
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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

OVERSTOCK.COM, INC., a Delaware
corporation,

Plaintiff,

vs.

WHENU.COM, INC.,
a Delaware corporation,

Defendant.

Case No. 2:03-CV-570

**STIPULATION FOR DISMISSAL
WITHOUT PREJUDICE**

Judge Ted Stewart


* * * * *

The Plaintiff, OVERSTOCK.COM, INC., by and through its undersigned counsel, hereby files this Stipulation of Dismissal under Rule 41 of the Federal Rules of Civil Procedure, wherein the parties to the above-referenced action respectfully request the Court to dismiss the case without prejudice, each bearing its own costs and attorneys fees in connection with this action.

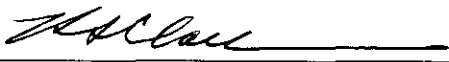
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The Parties respectfully request that the Court enter an Order of Dismissal Without Prejudice consistent with the terms hereof.

DATED this 3rd day of November, 2003.



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Attorneys for WHENU.COM, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of November, 2003, I caused to be mailed, via U.S. mail, postage pre-paid, a true and correct copy of the foregoing **STIPULATION FOR DISMISSAL WITHOUT PREJUDICE**, to:

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